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## WOOD, HERRON &amp; EVANS, L.L.P.

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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1998  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

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May 19, 2004

## FACSIMILE COVER SHEET

To: Examiner Thomas A. Dixon  
Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosed:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Transmittal containing Certificate of  
Facsimile Transmission and Authorization  
to Charge Deposit Account 23-3000 in the  
amount of \$110.00 for the Terminal  
Disclaimer Fee (2 pages)  
Amendment and Response (8 pages)  
Terminal Disclaimer to Obviate a Double  
Patenting Restriction (37 CFR 1.321(b))  
(3 pages)

From: Scott A. Stinebruner  
Reg. No. 38,323

Re: U.S. Patent Application  
Serial No. 09/314,324  
Filed: May 19, 1999  
Applicant: William Joseph Armstrong et al.  
Art Unit: 3629  
Confirmation No.: 5010  
Our Ref: IBM/91

Pages: 14 (including cover sheet)

## MESSAGE/COMMENTS

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*Judith L. Volk*  
Judith L. Volk

*May 19, 2004*  
Date

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**PATENT**  
Att'y Docket No. IBM/91/124  
Confirmation No. 5010

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Judith L. Volk  
Judith L. Volk

May 19, 2004  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: William Joseph Armstrong et al. Art Unit: 3629  
Serial No.: 09/314,324 Examiner: Thomas A. Dixon  
Filed : May 19, 1999  
For : MANAGEMENT OF A CONCURRENT USE LICENSE IN A LOGICALLY-PARTITIONED COMPUTER

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is an Amendment and Response and a Terminal Disclaimer to Obviate a Double Patenting Rejection (37 CFR 1.321(b)).
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	18	minus	20	0	\$18	\$0.00
Independent Claims	4	minus	4	0	\$86	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$290	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

☒ No additional fee for claims is required.

Page 1 of 2  
Serial No. 09/314,324  
Transmittal for Amendment and Terminal Disclaimer of May 19, 2004  
IBM Docket: RO999023  
WH&E IBM/91  
K:\her91\Amendment and Response-TD to 3-4-04 OA Transmittal.wpd

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☒ Please charge my Deposit Account No. 23-3000 in the amount of \$110.00 for the Terminal Disclaimer Fee.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$1,480.00	\$ 740.00
<input type="checkbox"/>	five months	\$2,010.00	\$1,005.00

Extension fee due with this request: \$ \_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: \_\_\_\_\_

Scott A. Stinebruner  
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Page 2 of 2  
 Serial No. 09/314,324  
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